

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XIAOCHUN GAO,

Plaintiff,

-V-

SAVOUR SICHUAN INC. *et al.*,

Defendants.

19 Civ. 2515 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court held the final pre-trial conference on July 11, 2023. Defendant Xiaoman Duan did not attend, nor did any counsel attend on her behalf. On June 13, 2023 the Court informed the parties that “[a]ny Defendant that fails to attend or send counsel to the final pre-trial conference will be deemed to have defaulted in this case.” Dkt. 156 at 2-3. However, given that Duan is proceeding *pro se*, the Court will not deem her in default unless she does not attend the trial beginning Monday, July 17, 2023 at 9:30 a.m. Additionally, for the reasons stated on the record at the final pre-trial conference, Duan’s counterclaims are dismissed without prejudice for failure to state a claim.

The counterclaims brought by Defendants Savour Sichuan Inc., Weimin Hong, and Dongmei Wei are also dismissed without prejudice, as counsel informed the Court that Defendants no longer seek to pursue them.

SO ORDERED.

Dated: July 11, 2023
New York, New York

Thos. C. C.

JOHN P. CRONAN
United States District Judge